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E-File: October 5, 2009

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Attorneys for Debtors and
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, LLC,
aka "Rhodes Homes", et al.,¹

Debtors.

Case No. 09-14814-LBR
(Jointly Administered)

Chapter 11

**APPLICATION FOR ORDER
SHORTENING TIME TO HEAR MOTION
OF DEBTOR FOR ORDER APPROVING
SETTLEMENT AGREEMENT WITH
NEVADA STATE CONTRACTORS
BOARD PURSUANT TO BANKRUPTCY
RULE 9019**

Affects:

- ☐ All Debtors
☒ Affects the following Debtor(s):

Rhodes Design & Development Corp.

Hearing Date: October 19, 2009
Time: 9:30 a.m.
Courtroom: 1

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20 LLC (Case No. 09-14848); Tuscany Acquisitions IV LLC (Case No.

1 The above-captioned debtor and debtor-in-possession ("Debtor") moves this Court for an
 2 order shortening time to hear the *Motion Of Debtor For Order Approving Settlement Agreement*
 3 *With Nevada State Contractors Board Pursuant To Bankruptcy Rule 9019* ("Settlement
 4 Motion").

5 Per oral motion made by the Debtor at the omnibus hearing on October 2, 2009, the
 6 Debtor requested that this Motion be heard on shortened notice at the hearing scheduled for
 7 October 19, 2009 at 9:30 a.m. By oral order at the hearing, the Court granted the Debtor's
 8 request.

9 The Motion is made on shortened basis because the Nevada State Contractors Board (the
 10 "Board") is meeting to approve the settlement agreement on October 22, 2009 and the Board has
 11 proposed that the settlement agreement become effective on such date. The settlement involves
 12 the Debtor's use of its contractor's license in the state of Nevada, which permits the Debtor to
 13 operate and build houses. Because of the important of the license to the Debtor's business, the
 14 Debtors respectfully request that the Court grant this Application and hear the Settlement Motion
 15 on a shortened-time basis on October 19, 2009 at 9:30 a.m.

16 This Application is made and based upon Fed. R. Bankr. P. 9006, the following
 17 memorandum of points and authorities, the Affidavit of Zachariah Larson, Esq. ("Larson
 18 Affidavit"), the Attorney Information Sheet filed contemporaneously herewith, the Emergency
 19 Motion, and the papers and pleading on file herein, judicial notice of which is respectfully
 20 requested.

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 25 09-14849); Tuscany Acquisitions III LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany
 26 Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No.
 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861);
 27 Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona
 Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, LLC (Case No. 09-14882); Tuscany Golf Country Club, LLC
 28 (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

WHEREFORE, the Debtors respectfully request that this Honorable Court grant this Application and issue an order shortening time, and for such other and further relief as the Court deems just and proper.

Dated: October 5, 2009

LARSON & STEPHENS

/s/ Zachariah Larson

Zachariah Larson, Esq. (NV Bar No. 7787)
810 S. Casino Center Blvd., Ste. 104
Las Vegas, Nevada 89101

Attorneys for Debtors and
Debtors in Possession

POINTS AND AUTHORITIES

I.

AFFIDAVIT OF ZACHARIAH LARSON, ESQ.

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Zachariah Larson, Esq., being first duly sworn, depose and say:

1. I am over the age of 18, am mentally competent, have personal knowledge of the facts in this matter, and if called upon to testify, could and would do so.

2. I am a member with the law firm of Larson & Stephens, LLC, proposed attorneys for the above-captioned Debtors, in the above captioned matter and duly licensed to practice law in the State of Nevada.

3. The Debtor is requesting that the Settlement Motion, filed contemporaneously herewith, be heard on shortened time. An urgent and immediate need exists for the Debtor to obtain entry of order approving the settlement. Without the relief requested in the Settlement Motion, the Debtor will not be able to operate its business in the state of Nevada. Accordingly, I

...

...

...

1 believe that a hearing on the Settlement Motion on an expedited basis at the same time as the
2 Court hears the other matters set for hearing on October 19, 2009 at 9:30 a.m. is necessary and
3 warranted to avoid immediate and irreparable harm to the Debtors' estates.

4 DATED this 5th day of October, 2009.

5 
ZACHARIAH LARSON, ESQ.

6
7 SUBSCRIBED AND SWORN to before me
8 this 5th day of October, 2009.

9 
10 NOTARY PUBLIC



11
12 **II.**
13 **LEGAL ARGUMENT**

14 Section 105, Title 11 United States Code (the "Bankruptcy Code") allows this Court to
15 issue such orders as are necessary to carry out the provisions of this title. Fed. R. Bankr. P.
16 9006(c)(1) generally permits a Bankruptcy Court, for cause shown and in its discretion, to reduce
17 the period during which any notice is given in accordance with the Bankruptcy Rules.
18 Bankruptcy Rule 9006(c)(1) provides as follows:

19 Except as provided in paragraph (2) of this subdivision, when an
20 act is required or allowed to be done at or within a specified time
21 by these rules or by a notice given thereunder or by order of court,
22 the court for cause shown may in its discretion with or without
23 motion or notice order the period reduced.

24 Fed. R. Bankr. P. 9006(c).

25 Local Rule 9006 provides further authority for shortening the time for a hearing.
26 According to Local Rule 9006(b), every motion for an order shortening time must be
27 accompanied by an affidavit stating the reasons for an expedited hearing. As set forth in the
28 Larson Affidavit, there is a compelling reason for an expedited hearing.

1 Local Rule 9006 requires the moving party to submit an Attorney Information Sheet
2 indicating whether opposing counsel was provided with notice, whether opposing counsel
3 consented to the hearing on an order shortening time, the date counsel was provided with notice
4 and how notice was provided or attempted to be provided. An Attorney Information Sheet was
5 filed contemporaneously with this Application.

6 **III.**
7 **CONCLUSION**

8 WHEREFORE, the Debtors respectfully request that this Honorable Court grant this
9 Application and issue an order shortening time to hear the Settlement Motion on October 19,
10 2009.

11 Dated: October 5, 2009

LARSON & STEPHENS

12 /s/ Zachariah Larson

13 _____
14 Zachariah Larson, Esq. (NV Bar No. 7787)
15 810 S. Casino Center Blvd., Ste. 104
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17 Counsel for Debtors and
18 Debtors in Possession
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